connected to and in thermal communication with the supply side heat exchanger and the opposite surface being connected to and in thermal communication with the waste side heat exchanger;

a motor drivingly connected to at least one of the heat exchangers or thermoelectric device to rotate the heat exchangers about the axis of rotation to cause air to enter at least one of the holes along the axis of rotation and pass outward through the heat exchanger, a substantial portion of the motor nesting into at least one of the holes in the heat exchangers;

an enclosure containing at least the supply heat exchanger and forming an outlet through which air exits after passing through the supply heat exchanger;

wherein the heat exchanger and motor rotation cooperate to force air from the heat exchanger through the outlet to provide conditioned air in a desired area.

~~94.~~ 96. (Amended) A method for thermally conditioning a fluid, comprising the steps of:

providing a supply side, annular heat exchanger having a hole therein, the supply side heat exchanger being rotatable about an axis of rotation and having a first plurality of heat transfer surfaces aligned with a plurality of axes orthogonal to the rotational axis;

providing a waste side, annular heat exchanger having a hole therein, the waste side heat exchanger being rotatable about said axis of rotation and having a second plurality of heat transfer surfaces aligned with a plurality of axes orthogonal to the rotational axis;

providing a thermoelectric device having opposing surfaces that generate elevated temperatures on one surface and reduced temperatures on an opposite surface depending on the direction of the electrical current passing through the thermoelectric device, and conductively connecting one surface of the thermoelectric device to the supply side heat exchanger and conductively connecting an opposite surface to the waste side heat exchanger;

connecting a motor to at least one of the heat exchangers or thermoelectric device to rotate the heat exchangers about the axis of rotation to cause fluid to pass through the heat exchangers;

nesting a substantial portion of the motor into at least one of the holes in the heat exchangers; and

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enclosing at least the supply side heat exchanger and forming an outlet in the enclosure thus formed through which fluid exits after passing through the supply side heat exchanger.

REMARKS

Claims 1-2 and 69-97 were provisionally rejected under the doctrine of obviousness-type double patenting, and Claims 73-75, 79-80, 87-89 and 91 were rejected as obvious over Pietsch in view of Quisenberry et al. Claims 93-94 were rejected as obvious over Pietsch in view of Frantti, and Claims 95-98 were rejected as being anticipated by either Pietsch or Panas. Applicant addresses the rejections below. The currently pending claims are Claims 1-2, and 69-98. Reconsideration and allowance are requested.

Neither Pietsch Nor Panas Anticipates Claims 95-98

Claims 95-98 were rejected under 35 U.S.C. § 102(b) as being anticipated by either Pietsch or Panas. No specific position was stated in the Office Action. However, neither of these references discloses all of the limitations of any of Claims 95-98. For example, neither Pietsch nor Panas discloses a method as recited in independent Claim 95, in which, among other things, there is provided an annular heat transfer device having "a first series of heat transfer surfaces having a first length measured along an axis orthogonal to the rotational axis. . . and. . . a second series of heat transfer surfaces. . . having a second length measured along an axis orthogonal to the rotational axis, the second length being different from the first length." With respect to independent Claim 97, neither Pietsch nor Panas discloses a method in which, among other things, there is provided an annular heat transfer device having "a height measured along the rotational axis, and an inner diameter and an outer diameter measured along an axis orthogonal to the rotational axis, the distance between the inner and outer diameters being greater than the height."

Accordingly, Applicant respectfully requests that the rejection of independent Claims 95 and 97 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Pietsch and Quisenberry Do Not Render Obvious Claims 73-75, 79-80, 87-89 and 91

Claims 73-75, 79-80, 87-89 and 91 were rejected under 35 U.S.C. § 103(a) as being obvious over Pietsch in view of Quisenberry. The Examiner has taken the position that it would have been obvious to one of ordinary skill in the art to modify the rotary thermoelectric heat exchanger of